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Attorneys for Plaintiffs J & J Sports Productions, Inc.

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN JOSE DIVISION

J & J SPORTS PRODUCTIONS, INC.,

CASE NO. 5:09-cv-05124-JF

Plaintiff,

VS.

SERGIO SANTANA GUZMAN, et al.

Defendants.

PLAINTIFF'S EX PARTE
APPLICATION FOR AN ORDER
VACATING THE CASE
MANAGEMENT CONFERENCE; AND
ORDER (Proposed)

TO THE HONORABLE JEREMY FOGEL, THE DEFENDANTS, AND THEIR ATTORNEYS OF RECORD:

Plaintiff J & J Sports Productions, Inc., hereby applies *ex parte* for an order vacating the Case Management Conference in this action, presently set for Friday, September 3, 2010 at 10:30 a.m. This request will be, and is, necessitated by the fact that defendants Sergio Santana Guzman, individually and d/b/a Tacos Santana; and Besag, Inc., an unknown business entity d/b/a Tacos Santana are in default and Plaintiff's Application for Default Judgment is currently pending before the Court.

As such, as of this writing, Plaintiff has yet to receive an answer or any other responsive pleading from the defendants. As a result, Plaintiff's counsel has not conferred with the defendants concerning the claims, discovery, settlement, ADR or any of the other pertinent issues involving the case itself or the preparation of a Case Management Conference Statement.

PLAINTIFF'S *EX PARTE* APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 5:09-cv-05124-JF PAGE 1

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1	WHEREFORE, Plaintiff respectfully	y requests that this Honorable Court vacate the Case
2	Management Conference presently scheduled	I for Friday, September 3, 2010 at 10:30 a.m. in order that
3	Plaintiff and its counsel may avoid necessary	fees and costs in this matter presently pending final
4	disposition by virtue of Plaintiff's Application	n for Default Judgment by the Court.
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7		Respectfully submitted,
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10	Dated: August 27, 2010	/s/ Thomas P. Riley
11		LAW OFFICES OF THOMAS P. RILEY, P.C.
12		By: Thomas P. Riley Attorneys for Plaintiff
13		J & J Sports Productions, Inc.
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PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) CASE NO. 5:09-cv-05124-JF PAGE 2

1	ORDER (Proposed)		
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3	It is hereby ordered that the Case Management Conference in civil action number 5:09-cv-05124		
4	JF styled J & J Sports Productions, Inc. v. Sergio Santana Guzman, et al., is hereby vacated.		
5	Plaintiff shall also serve a copy of this Order on the Defendants and thereafter file a		
6	Certification of Service of this Order with the Clerk of the Court.		
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10	IT IS SO ORDERED:		
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13	Dated: 8/31/2010		
14	THE HORORABLE II REMY FOSEL United States Distric Court		
15	Northern District of California		
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PROOF OF SERVICE (SERVICE BY MAIL) 2 I declare that: 3 I am employed in the County of Los Angeles, California. I am over the age of eighteen years 5 and not a party to the within cause; my business address is 1114 Fremont Avenue, South Pasadena, 6 California. I am readily familiar with this law firm's practice for collection and processing of 7 correspondence/documents for mail in the ordinary course of business. 8 9 On August 27, 2010, I served: 10 PLAINTIFF'S EX PARTE APPLICATION FOR AN ORDER VACATING THE 11 CASE MANAGEMENT CONFERENCE; AND ORDER (Proposed) 12 On all parties in said cause by enclosing a true copy thereof in a sealed envelope with postage 13 prepaid and following ordinary business practices, said envelope was duly mailed and addressed to: 14 15 Sergio Santana Guzman (Defendant) 16 330 Chukar Court Tracy, CA 95376 17 18 Besag, Inc. (Defendant) 330 Chukar Court 19 Tracy, CA 95376 20 21 I declare under the penalty of perjury pursuant to the laws of the United States that the 22 foregoing is true and correct, and that this declaration was executed on August 27, 2010, at South 23 Pasadena, California. 24 25 Dated: August 27, 2010 /s/ Maria Baird MARIA BAIRD 26 27 28